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SUBJECT: AZERBAIJAN'S "NEW" PARLIAMENT SETTLES INTO ITS
FOURTH SESSION

REF: A. BAKU 1151

[1](#)B. 06 BAKU 1677
[1](#)C. 06 BAKU 1189
[1](#)D. BAKU 1000

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D).

[1](#)1. (C) SUMMARY: Azerbaijan's "new" Parliament, which was elected in November 2005, began its fourth session on October [1](#)1. A month into the fall session, business as usual continues as the body carries out its largely rubber-stamp activities under Azerbaijan's constitutionally mandated strong executive system. However, unlike its predecessors, this legislature seems to have more active, reform-minded members. In addition to the budget, key items on the fall agenda include draft laws on education, detainees' rights, and construction activities, and observers anticipate the addition of a draft law on political parties. The long-awaited amended draft law on freedom of assembly and revised Electoral Code, both of which remain under discussion with the Council of Europe's Venice Commission, are now expected to be introduced in the spring. The development of Parliament as a strong, independent, and transparent institution is critical to Azerbaijan's democratic development. Through meetings with Parliament's key players, monitoring Parliamentary sessions, and the new USAID Parliamentary Assistance Program, we are fully engaged to help strengthen Parliament. We welcome further interaction with members of the U.S. Congress. END SUMMARY

THE BASICS

[1](#)2. (SBU) Azerbaijan's "new" Parliament, elected in November 2005, kicked off its fourth session on October 1. The Ambassador attended the session, after which she delivered comments to the press on Parliament's critical role in Azerbaijan's democratic development. The Azerbaijani Parliament, or Milli Mejlis (National Council), which has limited constitutional powers, retains its reputation as a rubber-stamp body, and remains largely a tool of the Presidential Apparatus. Parliament has two sessions per year; the fall session is open from October until December, and the spring session is open from March until May. While Parliament is in session, it meets on Tuesdays and Fridays, usually for three to five hours, but sessions are frequently canceled when the Speaker is traveling outside of Azerbaijan, or for other reasons. The frequency of the meetings of Parliament's permanent commissions depends on the workflow, but commissions normally hold brief meetings prior to the noon start of the broader sessions to ensure that members have read through drafts to be considered.

ACCESS TO SESSIONS

13. (SBU) Emboffs were allowed to observe parliamentary sessions during the spring 2007 session; however, with the exception of an occasional pre-arranged visit by staff members of the British-funded parliamentary assistance project LINKS, no other international observers have been granted access. Parliamentary sessions are not open to the public. The media is generally granted unfettered access to parliamentary sessions, but access to the meetings of Parliament's 11 permanent commissions - in which more work presumably is done - is limited. In June, Parliamentary Chief of Staff Safa Mirzoyev told the press that because television coverage of the commission meetings "focuses on unnecessary things" and portrays Members of Parliament (MPs) in a "disadvantageous" manner, television journalists would no longer be allowed into the meetings.

WHERE ARE THE SUPERSTARS?

14. (SBU) In a typical session, at most 80 percent of the body is present, but the absence of "VIP" MPs is notable. For example, ruling party MPs Mehriban Aliyeva (the First Lady) and Jalal Aliyev (the President's uncle) have never been present during a session attended by emboffs. The Ambassador attended the inaugural fall 2007 session on October 1; Aliyeva and Aliyev were not present, nor were other key ruling Yeni Azerbaijan Party (YAP) MPs including Deputy Speaker of Parliament Bahar Muradova, de facto party chair Ali Ahmadov, and the controversial and outspoken Mubariz Gurbanli. Further, those who are there are not necessarily paying attention or voting. Poloff has witnessed many votes, mostly procedural, during which several MPs were walking around the floor and talking to each other rather than voting. Others come late and leave early, sneak out repeatedly for smoking breaks, or read newspapers and other

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outside material during the session.

LITTLE DEBATE

15. (C) Parliament is able to cover an extraordinary number of line items per session, largely due to the fact that hardly any debate occurs. If anyone voices dissent, it is almost always one of the five opposition Musavat Party MPs or "pocket opposition" Ana Vetan Party MP Fazail Aghamaly, who often floats proposals that would benefit the GOAJ, but are too controversial for YAP MPs to touch, such as the 2006 proposal to extend the presidential term to seven years. The speakers' lists fill up quickly, but those granted speaking time generally use it for long orations with little substance or concrete recommendations. Further, the full speaking time as stipulated by Parliament's rules of procedure is not always granted, which the Musavat MPs told Poloff disproportionately affects the opposition MPs; they claim that Speaker Asadov grants them more time when emboffs are present in Parliamentary sessions. Much time during Parliamentary sessions is dedicated to the reading aloud of draft legislation, which must be done three times, or the many international treaties and MOUs that the President and Ministers sign during their many trips abroad.

THE LEADERSHIP'S VIEWS

16. (C) Parliament's leadership is quite positive about the body's accomplishments. Deputy Speaker Valeh Alasgarov told the Ambassador that the current Parliament has many more young, enthusiastic MPs than its predecessors and that he has begun to witness the sort of behind-the-scenes trading discussions typical of more developed legislatures. He despaired, however, that MPs are driven largely by personal agendas in pursuit of their work, and said that there is more infighting within the ruling and opposition parties than between the parties. Deputy Speaker Bahar Muradova told

Poloff that Parliament's leadership has improved the legislature's response time to "society's needs," and noted that the most important legislation passed by this Parliament has been on social issues. However, the only draft laws Muradova cited were those Parliament was expected to debate, not those already discussed. Economic Policy Commission Chair Ziyad Samadzade shared his positive impression of this Parliament with Econoff, noting the body's role in Azerbaijan's rapid economic development. However, Social Policy Commission Chair Hadi Rajably provided a more realistic view regarding the strong executive system outlined in Azerbaijan's Constitution, telling the Ambassador that people's expectations of Parliament were "too high," and they were "confusing Azerbaijan with a Parliamentary-ruled country while it is actually ruled by the President."

CONTRASTING VIEWS

17. (C) Other MPs were more critical of the Parliament's role.

Musavat Party MP Nasib Nasibli, who is also a Fulbright scholar and Azerbaijan's former Ambassador to Iran, scoffs when foreigners use the word "Parliament" when referring to the Milli Mejlis. According to Nasibli, the Milli Mejlis cannot be considered a real parliament in its current form. Referring to the extensive renovations to the parliamentary building completed in 2006, Nasibli remarked "Look at the reforms they have made to the building. Now we need similar reforms to the body itself." Opposition MP Panah Huseyn said that Parliament is an illegitimate body that serves only as a "notary for the President's Office." Independent MP Chingiz Asadullayev complained about the lack of conflict of interest regulations for MPs, noting that he - not the Parliamentary leadership - recused himself from assignment to a commission that was in direct conflict with his business interests. Asadullayev also said he was tired of MPs "sucking up" to Ministers. International Relations Commission Chair Samad Seyidov also complained about Parliament's continuing inability to convoke Ministers for hearings.

CONTROL FROM ABOVE

18. (C) If there were any question that the Parliamentary leadership takes directions from above, it was laid to rest when former independent but pro-government MP Hussein Abdullayev was arrested and lost his seat in what appears to be a pre-cooked operation (ref a). Abdullayev engaged in a scuffle with "pocket opposition" Ana Vetan Party MP Fazail Aghamaly after Abdullayev criticized the Prime Minister's annual report on the GOAJ's activities, delivered in the March 16 session. The next day, Abdullayev's immunity was

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stripped and he was arrested. Although certainly pro-government, Abdullayev had been somewhat of a wildcard in Parliament, perhaps a future voice of dissent. Abdullayev believes his removal from Parliament was intended to intimidate the other MPs, which he said has worked. He said that he had shared his speech with the Speaker a week before the incident, who had "recommended" that he not criticize the report. Abdullayev also claims that there are no independent MPs in Parliament, saying that each Minister has installed about six or seven MPs in the legislature, and that the GOAJ funds five or six other MPs to "create provocations."

ACCESS TO INFORMATION

19. (SBU) The lack of transparency in Parliament's activities continues to be a major problem, and is a key issue that USAID's Parliamentary Assistance Program will address. Not only are draft laws not available to the public, many MPs do not see the text until the first reading of a draft during a Parliamentary session. Public discourse on draft legislation is largely based on press speculation on a draft's content,

although there have been a few public roundtables on draft laws hosted by the OSCE and the Embassy's Democracy Commission Small Grants Program. Voting records are withheld from the public even though Parliament is outfitted with an electronic voting system capable of recording votes. In November 2006, political analyst Ilgar Mammadov filed a lawsuit against the GOAJ seeking to make Parliamentary voting records public information, as Mammadov argues is stipulated in Parliament's internal regulations (ref b). The first-instance court ruled against Mammadov's suit, and the Court of Appeals upheld the ruling, but in a potentially positive step, the Supreme Court overturned the Court of Appeals' decision.

LIMITED AUTHORITY

¶10. (SBU) While many MPs are the embodiment of their Soviet-era predecessors (and indeed, some were inherited from the Soviet system), there are some reform-minded newcomers. Based on our contacts with MPs, we estimate that one-fourth to one-third of MPs make a real effort to travel to their districts, meet with their constituents, and represent their interests in Parliament. Their capacity, however, is limited by their narrow authority. For example, under Parliament's current regulations, individual MPs cannot submit draft legislation; drafts originating in Parliament must be submitted by a faction, which is currently defined as a group of 25 MPs or more, meaning only the ruling party has enough MPs to be considered a faction. All other drafts are handed down to Parliament by the Presidential Apparatus. Presidential Advisor Shahin Aliyev is personally responsible for many of these, and others are passed to the Apparatus from various Ministries. Somewhat independent Azerbaijan Democratic Reforms Party MP Asim Mollazade has attempted several times to lower the number required for a faction to 15, to no avail. Separately, several opposition MPs tried unsuccessfully to lower the number to eight to ten MPs (ref c).

COMING SOON...

¶11. (SBU) In addition to the budget, the fall agenda includes the draft law on education, a controversial attempt to bring Azerbaijan's education system into conformance with the Council of Europe's (COE's) Bologna Process standards (ref d). Parliament has been discussing different versions of this draft for more than ten years; it is unclear if this fall's discussion will be any more fruitful. Other key drafts include one on detainees' rights, written with technical assistance from the OSCE, and a draft on construction activities, submitted in response to the August 28 building collapse in Baku. Observers anticipate the addition of a draft law on political parties, which may provide for state financing of political parties but tighten registration requirements. In an April meeting with Poloff, Deputy Speaker Muradova confirmed that YAP was working on such a draft. Some observers worry about rumored draft laws tightening registration requirements for NGOs, media outlets, and religious entities, but none seem imminent for introduction during the fall session. The amended draft law on freedom of assembly and revised Electoral Code, which were initially expected to be introduced to Parliament during the fall session, remain under discussion with the COE's Venice Commission, and are now expected to be included on the agenda for the spring 2008 session. Despite the GOAJ's commitment in the February Economic Partnership Conference to introduce money-laundering and anti-terrorism finance legislation, such

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drafts are not included in the fall agenda.

COMMENT

¶12. (C) The development of Parliament as a strong, independent, transparent institution is critical to Azerbaijan's democratic development. This requires constitutional change (as recommended by the Council of Europe) and will be a long-term process. Although the current legislature understandably deserves its reputation as a rubber-stamp body, the growing number of reform-minded MPs presents an excellent opportunity for engagement. USAID's Parliamentary Assistance Program, which kicked off this summer, seeks to empower MPs by giving them the skills necessary to do their jobs. In addition to technical assistance, we believe that more interaction with the U.S. Congress will encourage Azerbaijani MPs to take their representative responsibilities more seriously. We would welcome more CODEL visits to Azerbaijan, particularly by the members of the U.S.-Azerbaijan Inter-Parliamentary Working Group. The Ambassador will continue to engage with the Parliamentary leadership on the need for democratic reform, and we will continue to monitor Parliament and report on developments.

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